

**Special Meeting and Adjourned Regular Meeting Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, November 29, 2004
4:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

A videotape of the 5:00 p.m. portion of this meeting
is on file in the Office of the City Clerk.

Call to Order

Mayor Pro Tem Hardy called the special and adjourned regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 4:00 p.m. in the Council Chambers.

City Council/Redevelopment Agency Meeting Roll Call

Present: Sullivan, Coerper, Hardy, Cook, Winchell (Mayor Green and Councilmember Boardman requested permission to be absent pursuant to Resolution No. 2001-54)
Absent: Green, Boardman

The City Clerk Read *Call for Special Meeting*

City Clerk Joan L. Flynn read the *Call for Special Meeting* Notice

CALL FOR CITY COUNCIL/REDEVELOPMENT AGENCY SPECIAL MEETING

CITY OF HUNTINGTON BEACH

MONDAY, NOVEMBER 29, 2004

Cathy Green, Mayor
Jill Hardy, Mayor Pro-Tem
Dave Sullivan, Council Member
Gil Coerper, Council Member
Debbie Cook, Council Member
Grace Winchell, Council Member
Connie Boardman, Council Member

You are hereby notified that a Special Meeting of the Huntington Beach City Council of the City of Huntington Beach, California, is called for and will be held in the ***Lower Level, Civic Center Council Chambers, 2000 Main Street, Huntington Beach, CA 92648*** at the hour of ***4:00 p.m.*** on ***Monday, November 29, 2004*** in order to allow discussion of the following Closed Session agenda item:

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Clay Martin, Director of Administrative Services; and Irma Youssefieh, Human

Resources Manager regarding labor relations matters – meet and confer with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** Subject: **Labor Relations – Meet & Confer.** (120.80)

Dated: November 19, 2004

ATTEST: City Clerk

Mayor

I hereby certify that I received the above notice, "Call of Special Meeting of the Huntington Beach City Council" prior to 4:00 p.m. on Sunday, November 28, 2004.

Mayor

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Communication submitted by Mayor Cathy Green dated November 29, 2004 titled *Notice of Absence*.

Communication submitted by Councilmember Connie Boardman dated November 29, 2004 titled *Notice of Absence*.

Public Comments

There were no speakers

Motion to Recess to Closed Session – Approved

A motion was made by Sullivan, second Coerper to recess to Closed Session on the following item. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Cook, Winchell

NOES: None

ABSENT: Green, Boardman

(City Council) Closed Session – Pursuant to Government Code Section 54957.6 to meet with its designated representatives: Agency Negotiators: Penelope Culbreth-Graft, City Administrator; Clay Martin, Director of Administrative Services; and Irma Youssefieh, Human Resources Manager regarding labor relations matters – meet and confer with the following employee organizations: **MEO, MEA, PMA, FMA, HBPOA, HBFA, MSOA, SCLEA and Non-Associated.** Subject: **Labor Relations – Meet & Confer.** (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 5:00 P.M. – Council Chambers.**City Council - Redevelopment Agency Roll Call**

Present: Sullivan, Coerper, Hardy, Cook, Winchell (Mayor Green and Councilmember Boardman requested permission to be absent pursuant to Resolution No. 2001-54)
Absent: Green, Boardman

No Actions Taken Which Require a Reporting Pursuant to Government Code §54957.1(a) (3) (B).

Mayor Pro Tem Hardy asked City Attorney Jennifer McGrath if there were any actions taken by the City Council or Redevelopment Agency in Closed Session that required a reporting. City Attorney McGrath responded that there were no actions to report.

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, City Clerk Joan L. Flynn announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Communication submitted by Mayor Cathy Green dated November 29, 2004 titled *Notice of Absence*.

Communication submitted by Councilmember Connie Boardman dated November 29, 2004 titled *Notice of Absence*.

Communication submitted by the City Attorney and the Director of Planning dated November 29, 2004 titled *Conditional Use Permit No. 04-43 (Master CUP for Condominium Conversions) Settling Owners*.

Communication submitted by Mikael H. Stahle, Esq. of Arias, Ozzello & Gignac, LLP dated November 24, 2004 titled *Re: Conditional Use Permit #04-03 (Condo Conversions)* requesting a continuance until the next regularly scheduled City Council meeting after November 29, 2004.

Communication submitted by Mikael H. Stahle, Esq. of Arias, Ozzello & Gignac, LLP dated November 29, 2004 titled *Re: Conditional Use Permit #04-03 (Condo Conversions)*.

Communication submitted by the City Attorney and the Director of Planning dated November 29, 2004 titled *Revised Findings and Conditions of Approval for Conditional Use Permit No. 04-43*.

Public Comments

Adrienne Parks spoke relative to the non-agendized proposed ordinance concerning through lots. Ms. Parks stated that to her understanding the public hearing was closed, the ordinance was scheduled for a first reading on December 20, 2004, for a second reading on January 3, 2005, and encouraged any concerned owners of property with through lots to contact the Councilmembers prior to these dates.

Jackie Satterthwaite spoke regarding the non-agendized proposed through lot ordinance, citing the number of speakers in favor and those in opposition to the proposed ordinance. She spoke further regarding view and property rights laws. Ms. Satterthwaite asked Councilmember Cook to recuse herself from voting on the ordinance.

Steve Stafford spoke alleging false titles had been filed relative to a certain developer and asked that the situation be reviewed by Council or staff.

(City Council) Public Hearing Held - Approved Master Conditional Use Permit (CUP) No. 04-43, as Revised to Reflect Adjusted Number of Property Owners in Late Communication Submitted by City Attorney and Director of Planning, as Part of a Settlement Agreement between the City and Five Title Companies Representing Property Owners Pertaining to the Conversion of 35 Condominiums on 9 Properties (420.40)

Mayor Pro Tem Hardy announced that this was the time noticed for a public hearing to consider the following:

Applicants: Multiple Property Owners

Request: To approve approximately 65 condominium units on approximately 15 properties. (Revised per Late Communication to reflect 35 condominium units on 9 properties)

Locations: (Revised per Late Communication to reflect the removal of 7342 Garfield Avenue, 1412-1418 Orange Avenue, 2505 Delaware Street, 317 Seventeenth Street, 218 Sixteenth Street, and 1703 Alabama Street) 7352 Garfield Avenue, 16751 Green Street, 16741 Green Street, 16821 Green Street, 8161 Forelle Drive, 7551 Amazon Drive, 402 Twenty-first Street, 17031 Ash Street, 816, 820, and 828 Eleventh Street.

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

Planning Director Howard Zelefsky presented an oral report, outlining the staff's analysis and recommendations.

Councilmember Coerper made inquiries relative to the number of units, the fees to be paid, and any additional fees not yet delineated.

Director Zelefsky responded to Councilmember Coerper's inquiries and further detailed in-lieu inclusionary housing fees, inspection fees, and recordation of map fees.

Mayor Pro Tem Hardy declared the public hearing open.

Prior to announcing the public speakers, the City Clerk restated for the record the following Late Communications which pertain to this public hearing:

Communication submitted by the City Attorney and the Director of Planning dated November 29, 2004 titled *Conditional Use Permit No. 04-43 (Master CUP for Condominium Conversions) Settling Owners*.

Communication submitted by Mikael H. Stahle, Esq. of Arias, Ozzello & Gignac, LLP dated November 24, 2004 titled *Re: Conditional Use Permit #04-03 (Condo Conversions)* requesting a continuance until the next regularly scheduled City Council meeting after November 29, 2004.

Communication submitted by Mikael H. Stahle, Esq. of Arias, Ozzello & Gignac, LLP dated November 29, 2004 titled *Re: Conditional Use Permit #04-03 (Condo Conversions)*.

Communication submitted by the City Attorney and the Director of Planning dated November 29, 2004 titled *Revised Findings and Conditions of Approval for Conditional Use Permit No. 04-43*.

Mike Adams spoke regarding efforts made by City Council and staff to reach a compromise. He specifically thanked City Attorney Jennifer McGrath and Planning Director Howard Zelefsky for their cooperation. Mr. Adams additionally spoke relative to the conditions of the proposed settlement and asked the City Attorney to clarify certain points regarding conditions.

City Attorney Jennifer McGrath responded to Mr. Adams' inquiry.

There being no persons present to speak further on the matter and there being no further protests filed, either written or oral, the Mayor Pro Tem declared the public hearing closed.

A motion was made by Cook, second Sullivan to approve Conditional Use Permit No. 04-43 with **revised** findings and conditions for approval. (Attachment No. 1*) (Vote to follow)

Councilmember Coerper inquired regarding additional fees and the status of individuals not yet involved in a settlement agreement. City Attorney McGrath responded and stated that the fees are set out in the agreement.

The motion carried by the following roll call vote:

AYES:	Sullivan, Coerper, Hardy, Cook, Winchell
NOES:	None
ABSENT:	Green, Boardman

ATTACHMENT NO. 1*

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 04-43

(Revised 11-29-04)

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 04-43:

1. Conditional Use Permit No. 04-43 for the establishment, maintenance and operation of 35 condominium units on 9 separate properties will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood.

2. The conditional use permit will be compatible with surrounding uses because all of the subject properties are located within residential districts and are surrounded by other multi-family or single-family units.
3. The proposed conditional use permit for 35 condominium units on 9 properties will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. In addition, each project will comply with any specific condition required in the settlement agreement.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designations of Medium Density Residential and Low Density Residential on the various subject properties. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Policy LU 4.2.1: Require that all structures be constructed in accordance with the requirements of the City's building and other pertinent codes and regulations; including new, adaptively re-used, and renovated buildings.

Policy LU 8.1.1: Accommodate land use development in accordance with the patterns and distribution of use and density depicted on the Land Use Plan Map, in accordance with the appropriate principles.

B. Housing Element

Policy H 3.1.1: Encourage the provision and continued availability of a range of housing types throughout the community, with variety in the number of rooms and level of amenities.

The subject residential properties vary from tri-plexes to four-plexes and are located throughout the City. The units represent a variety of unit types with various floor plans and amenities. An affordable housing in-lieu fee will be submitted for each project.

5. The City Council finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because new construction or conversion of up to six multi-family units at one project site are exempt.

SUGGESTED CONDITION OF APPROVAL - CONDITIONAL USE PERMIT NO. 04-43:

1. Conditional Use Permit No. 04-43 will become effective at each individual property in accordance with the attached draft settlement agreement.

(City Council) Continued from November 15, 2004 Council Meeting - Public Hearing Held - (1.) Approved Zoning Text Amendment No. 04-03 Amending Huntington Beach Zoning and Subdivision Ordinance (ZSO) Chapter 250 Relating to a Tentative Parcel Map Exemption for Condominium Conversions - Approved for Introduction Ordinance No. 3690 and (2.) Approved Adoption of Resolution No. 2004- 91 Establishing the Affordable Housing In-Lieu Fee Authorized by Zoning and Subdivision Ordinance (ZSO) Chapter 235 Relating to Residential Condominium Conversions (450.20)

Mayor Pro Tem Hardy announced that this was the time noticed for a public hearing to consider the following:

Applicant: City of Huntington Beach

Request 1. To amend Chapter 250, Subdivisions – General Provisions, of the Huntington Beach Zoning and Subdivision Ordinance. The proposed amendment is intended to provide an exemption to the tentative parcel map process for apartments and stock cooperatives previously converted to condominiums without City approval;

and

Request 2. To establish an affordable housing in-lieu fee for apartments and stock cooperatives previously converted to condominiums without City approval.

Location: Citywide

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

Senior Planner Jane James presented a PowerPoint slide presentation titled *Condominium Conversions, City Council Meeting November 15, 2004, Zoning Text Amendment No. 04-03 and Affordable Housing In-Lieu Fee Resolution*, which was included in the agenda packet.

Mayor Pro Tem Hardy declared the public hearing open.

Prior to announcing the public speakers, the City Clerk restated for the record the following Late Communications which pertain to this public hearing:

Communication submitted by Mikael H. Stahle, Esq. of Arias, Ozzello & Gignac, LLP dated November 24, 2004 titled *Re: Conditional Use Permit #04-03 (Condo Conversions)* requesting a continuance until the next regularly scheduled City Council meeting after November 29, 2004.

Communication submitted by Mikael H. Stahle, Esq. of Arias, Ozzello & Gignac, LLP dated November 29, 2004 titled *Re: Conditional Use Permit #04-03 (Condo Conversions)*.

Mike Adams spoke relative to the study done to determine in-lieu fees, stating concerns about the appropriateness of the fees. Mr. Adams asked Council to refer the issue to a committee for further discussion of the proposed fees.

Dan Torla informed Council of his concerns regarding potential future fees to homeowners and whether title companies will accept responsibility.

There being no persons present to speak further on the matter and there being no further protests filed, either written or oral, the Mayor Pro Tem declared the public hearing closed.

Council inquiries followed relative to the timing of inspections required by homeowners, any effect passing the ordinance could have on those liable, and the steps necessary to be taken by homeowners whose properties are not part of Conditional Use Permit No. 04-43.

City Attorney McGrath responded to all inquiries.

A motion was made by Cook, second Coerper to:

1. After the City Clerk reads by title, approve for introduction **Ordinance No. 3690** – “*An Ordinance of the City of Huntington Beach Amending Chapter 250 of the Huntington Beach Zoning and Subdivision Ordinance Relating to General Provisions – Map Requirements,*” and Approve Zoning Text Amendment No. 04-03 with findings for approval (ATTACHMENT NO. 1*);

and

2. Adopt **Resolution No. 2004-91** – “*A Resolution of the City Council of the City of Huntington Beach Establishing the Affordable Housing In-Lieu Fee Authorized by Zoning and Subdivision Ordinance Chapter 235 Relating to Residential Condominium Conversions.*”

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Hardy, Cook, Winchell
NOES: None
ABSENT: Green, Boardman

ATTACHMENT NO. 1*

SUGGESTED FINDINGS

ZONING TEXT AMENDMENT NO. 04-03

SUGGESTED FINDINGS FOR APPROVAL – ZONING TEXT AMENDMENT NO. 04-03:

1. Zoning Text Amendment No. 04-03 to amend Chapter 250, Subdivisions General Provisions, of the Huntington Beach Zoning and Subdivision Ordinance and exempt a certain class of condominium conversions from tentative parcel map procedures is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan. The amendment streamlines entitlement processing, continues to protect existing and future property owners, and substitutes a certificate of compliance for tentative parcel map procedures for a certain class of units converted to condominiums without approval by the City.
2. A community need is demonstrated for the changes proposed. The City desires to adopt unique provisions for apartment and stock cooperative units converted to condominiums without approval by the City.
3. Its adoption will be in conformity with public convenience, general welfare and good zoning practice by decreasing processing time for applicants, reducing application costs for property owners, continuing to provide for quality development, and ensuring protection of existing and future property owners. A certificate of compliance will depict the proposed subdivisions with an engineer prepared plat map.
4. The City Council finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Class 20, City Council Resolution No. 4501, which supplements the California Environmental Quality Act.

Adjournment – City Council/Redevelopment Agency

Mayor Pro Tem Hardy adjourned the special and adjourned regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach at 5:42 p.m. to Monday, December 6, 2004, at 6:00 p.m., in the Council Chambers, 2000 Main Street Huntington Beach, California. (The 5:00 p.m. portion of the meeting will be recessed by the City Clerk to 6:00 p.m. due to an anticipated lack of quorum.)

City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chair